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Public Participation

Volume 5

Critique of
Land Management Planning

Public Participation

Volume 5

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Executive Summary

In 1989, a team of more than 30 forest supervisors and forest and regional staff used the Forest Service computer network to gather responses to questions on public participation from people involved in forest planning. The purpose of this public participation study was to determine compliance with the NFMA regulations, develop criteria for effectiveness, and suggest changes (as recommendations to the Chief) in the Forest Service approach.

The team also examined 97 final and 25 draft environmental documents. During forest planning, more than 72,000 public input events occurred and almost 90,000 environmental documents were distributed.

People indicated that the Forest Service had complied with the regulations and had done the best the agency could with a difficult task. Many thought that seeking participation could and did avoid challenges to plan decisions and that it was possible to further resolve challenges through negotiation. However, there were some involved in appeals who felt that the issues could not be resolved and especially that partisan special interests would prevail over local public input. Local people interviewed indicated that the most relevant criteria for the effectiveness of public participation were (1) whether their participation affected decisions and (2) whether the public and the Forest Service were committed to the plan.

People generally felt that the problems associated with public participation in forest planning were lack of credibility, a need for more flexible and efficient management of the planning process, and a need for more social and political skills and the use of them at the field levels to build trust. In addition, they believed that the appearance of functionalism and lack of on-the-ground integration needed to be remedied.

Based on the findings, the team recommended that the agency do the following:

1. Extend the Sunbird experience by having more frequent and more open, candid discussions throughout the Forest Service.

2. Modify the Forest Service targets system for values other than the traditional assumable sale quantities, animal unit months, recreational vehicle days, and so forth, to help identify emerging values.

3. Quickly reduce the complexity of the planning process while maintaining the integrity of existing plans but encouraging frequent change based on improved data and open public participation.

4. Find innovative ways to allow forest and district people more time to spend with people in the field.

5. Establish and provide training for social and political skills and use professional mediation and negotiation to resolve issues, including national interests.

6. Work with people on Capitol Hill to eliminate line item funding, and eliminate the appearance of functional direction from the top down through the organization, while emphasizing ecological-oriented desired futures.

Introduction

Forest plans have become "final" and are being implemented for 97 of the 123 national forests surveyed for this report. These national forests began land and resource management planning—forest plans—in 1976 when the National Forest Management Act (NFMA) of 1976 was passed by Congress and set the process in motion. In accordance with the act, the Secretary of Agriculture developed regulations (36 CFR 219) to guide the preparation of the plans, including public participation in those plans as they were developed. Forests, of course, followed the "letter of the law" and the implementing regulations, but this report also examines how well public participation efforts followed the "spirit of the law"—that is, whether people perceived that they were involved in sharing the decisions made in the final plans.

There have been a number of publications about various aspects of NFMA, including public participation and how well people were involved in the process. Some of those publications were reviewed for this report; however, they were only a portion of the available literature. Those publications reviewed are listed in Appendix D. As with many other aspects of applying NFMA over the past 13 years, public participation methods changed as the planning process matured and as results indicated the need for changes. Such change will continue as we enter the next phase of forest planning. One purpose of this report is to provide a "snapshot" of the process during the first implementation phase and to identify efforts needed to initiate change.

Objectives

The team was charged with completing a constructive critique of public participation in forest plan development (see the study plan in Appendix A) and, from that critique, presenting recommendations to the Chief for changes to improve the effectiveness of public participation in future planning activities. The critique specifically addressed the following:

1. Determining whether there was compliance with CFR 36 219.6 during plan development by assessing both public and Forest Service opinion and by surveying existing environmental and planning documents.

2. Developing criteria to measure how effective planning efforts were in achieving public participation that resulted in—
   - Better decisions being made by the agency.
   - Challenges to the plans from appeals or litigation being avoided.
   - Concerns resolved and appeals withdrawn or litigation terminated.
   - Decisions made and upheld in spite of administrative or legal challenges.
   - Public and Forest Service commitment to implementation of the forest plan.

3. Suggesting changes to the Forest Service's approach to achieving public participation in the planning process.

Procedures

A technical team of more than 30 members was formed by regional planning directors, and the Data General computer network was used to contact members. Each region had from one to six representatives on the team; members were predominantly forest supervisors, with some regional planning staff involved (Appendix B). Each team member was given the opportunity to review the study plan, develop effectiveness criteria, and suggest questions to be used during interviews.

A standard list of questions was developed (Appendix C). Each team member conducted interviews or suggested persons to be interviewed. Both Forest Service employees and individuals with no Forest Service affiliation were interviewed. Each team member interviewed or recommended interviews for not more than 10 people so that a sample set of 260 to 280 responses could be achieved.

Interview responses were sent directly to the team leader on the Data General and were personally compiled and tabulated. The draft report was sent to each of the team members for review and comment. Individual responses were considered confidential and are not included in this report.

In addition to the interviews, the team examined existing forest planning environmental documents—both final (97) and draft (25)—for documentation of public participation information. One forest did not have either a final or draft environmental impact statement available for review.

Results

Compliance With the Regulations

Interviews

Of those who could respond, 20 percent did so; their responses form the base for this report. The responses provided a relatively good sampling of the geographic regions of the Forest Service. Respondents also represented a wide range of planning experiences (both those who were involved in the planning activities early in the process and those who became involved in the plan during the past few years). All the responses seemed to come from "local" people—that is, those citizens directly involved in forest planning, forest supervisors and their staff members, and district rangers and their staff people. Responses were almost equally divided between citizens (non–Forest Service) and Forest Service employees. Those who responded had 2 to 44 years of work experience in planning activities (an average of 12 years of experience).

Nearly all responses (94.5 percent) indicated that there was compliance with the public participation section of the regulations (36 CFR 219.6). Several respondents perceived that such compliance was only recently achieved. Many respondents noted that the Forest Service had exceeded the public participation requirement and, in some cases, had heavily affected these respondents and others with requests for participation.

Some respondents pointed out that specific requirements contained in the regulations were not satisfactorily met. Slightly more than 20 percent of those responding did not perceive that the planning information base had been satisfactorily broadened. Some said the Forest Service was too narrow in its contacts, with decisions already made, and was overly influenced by special interest groups. Generally, however, responses reflected satisfaction that forest planning was based on a broad and expanded information source.

The perception of the influence of public participation varied substantially between citizens and Forest Service employees. About 35 percent of the total responses indicated that major or significant changes were made to the plan because of public participation. Fifty-seven percent of the Forest Service respondents and only 3 percent of citizen respondents perceived that public participation effected plan changes. In addition, 18 percent of the total respondents indicated they saw no plan changes because of public participation or described changes that they perceived occurred only because of the efforts of well-organized special interest groups. The remaining 47 percent of respondents did not address the question or saw little change in the final plans.

Less than 1 percent of those responding said that the Forest Service had not adequately informed the public during plan development. Some respondents stated that the Forest Service improved greatly in getting information to people during the last few years of the planning period; such improvement was particularly noticeable between the review of the draft documents and the issuance of the final forest plan.

Improved public participation also was reflected in comments about public notice of programs and proposed actions. Some respondents indicated that notices seemed to be sent to selective "partisan" interests rather than to the general public and often notices seemed to be "canned" or party line. In general, however, those respondents making comments about compliance perceived that, for the most part, Forest Service people did the best they could with a difficult task. And, in most cases, public participation efforts were perceived as having exceeded expectations and were beyond compliance requirements.

Survey of Documents

Both draft and final documents were surveyed for the documentation of meetings held, brochures or newsletters produced, individual contacts made, or consultations held. The number of letters received in response to each draft also was tabulated. Calculations were made to show distribution of both final and draft documents to congressional delegations, Native American tribes or pueblos, other government bodies, organizations, and individuals.

No attempt was made to compare national forests or national grasslands; however, a general observation can be made that there is much variation in the level of detail included in the plans surveyed. Thus, some interpretation by the surveyor was unavoidable. However, because the survey was performed by one individual, the interpretations were consistent throughout.

The following tabulations reflect the overall results of the documentation survey:

Public Involvement

Meetings held	1,216
Brochures or newsletters produced	650
Contacts or consultations made	6,651
Letters of response received	63,607
Total	72,124

Distribution of NEPA Documents

Congressional delegates	1,186
Native American organizations	330
Federal, State, local governments	10,012
Organizations	14,612
Individuals	46,798
Uncategorized	14,355
Total	87,293

Effectiveness

The respondents seemed to consider the two most important effectiveness criteria to be (1) whether public participation affected the decision and (2) whether the public and the Forest Service were committed to the plan. However, some thought that the ability to avoid appeals, or to resolve appeals through negotiation and continued intensive public participation or conflict resolution, greatly improved the ultimate decision and the final commitment.

Better Decisions

About 78 percent thought that decisions were improved through public participation. Of those respondents, only 11 percent felt that decisions were definitely or greatly improved.

Avoidance of Appeals or Litigation Challenges

About 65 percent of those responding gave an opinion about whether good public participation might prevent an appeal. Of that group, 36 percent seemed positive that it would prevent further challenge, such as continued appeals or litigation. An additional 28 percent of that group were hopeful that public participation would prevent further challenge.

Resolution of Appeals

Of those responding, 31 percent had experience with resolving appeals, and 71 percent of that group indicated that their appeals were resolved through negotiation or some other form of continued dialog. About 18 percent of those who had experienced appeals stated that further dialog was not going to resolve the issues.

Decisions Upheld

None of the situations surveyed contained decisions that were upheld because of influence created by public participation.

Commitment to the Plan

Both Forest Service and citizen respondents gave mixed reactions to the question regarding commitment to the plan. About 37 percent said that everyone was committed, and 7 percent expressed that belief very strongly. Some 24 percent of those responding said that there was no commitment to the completed plans. The remaining 39 percent perceived that when the Forest Service was committed to the plan, others were not, or when the public perceived a contract with the agency, the Forest Service did not see the same contract. (It is a "mixed bag," as one respondent put it.)

Improvement of Effectiveness

The respondents gave comments, suggestions, or recommendations for either improvement of the effectiveness of public participation or actions needed to fully integrate interdisciplinary resource implementation. Their responses seemed to be interrelated and were placed essentially verbatim into the following categories for purposes of this report. Forest Service and citizen responses are not separated because the contents were somewhat common to either set.

Credibility

People told us—

> Inform people in a timely manner, keep our promises and commitments, and do not surprise people. Do what we say we are going to do and do a better job. Let people know what is pending on a periodic basis. Get information to people and get people to meetings. Make them care. Be more businesslike in dealing with other people.
>
> Listen and prove we listen by doing differently—that is, listen more and make changes in our management. Recognize other values with less emphasis on receipts and economics. Be willing to negotiate, listen, and accept the fact that we work for the public. Sit down with individuals and groups and work out concerns. Provide an open process and listen to what people say. Recognize local interests and help them to get involved.
>
> Be open and truthful with NEPA and with the public's questions. Monitor projects and keep people informed of the results. All must agree on the role of the Forest Service and agree on holistic, integrated, or balanced plans and the coordination of uses on other lands. There must be a commitment of line officers to achieve consensus. Get the entire Forest Service family involved for increased effectiveness. Stop the top-down direction on timber and other commodities and decide to listen to local concerns. Use less jargon, be clear and concise, and give Forest Service people the freedom they need to respond.
>
> Accept the public as partners and ask, "What would you like to do?"

Finding

People want more commitment by all Forest Service people to actually listen, to accept values other than receipts and economics, and to be willing to negotiate, listen, and accept the fact that we work for the public. People want us to inform them in a timely manner, keep our promises and commitments, and not surprise them.

Recommendation

The Chief should continue and extend throughout the Forest Service the philosophies and actions exemplified by Sunbird of open, candid discussions by line managers to achieve better communication and trust and to speak with one clear voice. This action will increase the commitment of line officers to achieve consensus and eventually should get the entire Forest Service family involved for increased effectiveness.

Finding

People believe that forest plans were designed to comply with top-down direction, without the flexibility of local Forest Service people responding to local concerns. People also believe that forest plans were unduly influenced by

pressures from organized groups that reflect national agendas rather than a balanced consideration that included local users and interests. This belief also is probably reflected in the opinion that there was a failure to consider all values.

Recommendation

The responsible Washington Office staffs should immediately examine the system of targets for our line officers to see how such measureable targets as assumable sale quantities can be balanced with a set of targets that openly reflect other values (for example, acres of various prescriptions or treatments to achieve multiple-use objectives, such as wildlife habitat). This practice also would incorporate the concept of desired future condition, including ecosystems, as a basis for measuring performance.

Efficient and Flexible Management

People told us—

> Minimize paper and keep decisions on the ground. There is too much material for the average person to consider in the time that is available. Propose specifics to people and be interdisciplinary. Strengthen the district teams and supplement with forest staffs and with other agencies through agreements. We need more NEPA expertise on the district, and the district ranger needs more field time. We need more district resource specialists and more partners and need to reduce targets to give time to do the job right. Allow groups to "adopt" areas of the forest to take care of and have more volunteers doing physical work. Involve congressional delegation and have a more unified effort with common understanding and goals.

> Provide broad general notice only in scoping, then focus on just those interested groups and individuals who really care. Involve people appropriately and only for the minimum needed. Shorten planning and analysis time. Minimize the time impact on working people. Keep plugging the positives and show them off in demonstrations. Use more field trips and onsite viewing, explain what is happening, and reduce the paper. Get early involvement, then reduce to needed. Use well-rounded people in-the-know, use time wisely, use good data, and shorten the process.

Finding

People believe that the planning process was too lengthy and that they had too much written material to review in too short a time. They also believe that there was not—and still is not—enough field time by district personnel, nor are there enough people at the district level with NEPA expertise to do the job that needs to be done. People indicated that they expected the Forest Service to use well-rounded people in the know, use time wisely, use good data, and shorten the planning process.

Recommendation

The Chief should immediately begin examining ways to reduce the planning requirements under NFMA and do it in a way that maintains the integrity of commitments already made in more than 100 completed forest plans. A method is needed that more easily and quickly incorporates changes to forest plans through citizen participation and is based on more efficient methods of gathering resource data. More efficient use of district and forest personnel should allow them more time to interact with affected interests in the field.

In addition, the Chief should immediately begin mandating that staffs at all levels lessen the requirements and direction within lower levels of the agency that result in burdensome and unnecessary office time and paperwork for district personnel. For example, all management, program, and activity reviews should be conducted in the field with a minimum of follow-up report writing. District and forest personnel must spend more time with public interests in the field, and the organization must find that time.

Expertise in Social and Political Skills

People told us—

> Overcome the reluctance of Forest Service people to involve others, especially in district and project decisions. Develop skills to realize that emotion and values drive many people and learn how to cope with that; learn to deal with political and social situations better.
>
> Get more people of all interests participating, not just partisan special interest groups. Use citizen groups more. Continue public meetings. Conduct opinion surveys, and use news-letters and leaflets more. Get NEPA positions on districts to coordinate and get involvement, and use other staffs to implement decisions. We need people in the field at all grades who work well with people. If we educate people regarding the Forest Service role, they will be more apt to involve themselves.

Finding

People have expressed concern over the lack of social and political skills at all levels of the agency. In particular, we need employees of all grades in the field who work well with people; we need personnel who can stimulate people of all interests to become involved, not just partisan special interest groups.

Recommendation

There should be (1) a recognition of the need for training in communication, mediation, and facilitation skills; (2) an established network of universities and other sources of training to facilitate providing those skills to field-level people; and (3) a concerted effort to identify where such skills are most needed and fill them through work force diversity and other personnel strategies.

In addition, a national mediation effort should be started to attempt to reconcile differences among national (for example, Washington, D.C.,-based) interest groups. Its goal would be agreement on permitting local representatives the latitude to compromise on local issues.

Integration and Use of the Ecosystems Approach

This was a specific question (#12) for our interview: Do you have suggestions for actions you believe are needed to fully integrate interdisciplinary resource implementation? Several citizens did not understand this question until it was explained to them, which indicates a basic problem in our own terms or jargon rather than language that communicates easily.

People told us—

> Organize to implement plans and move away from functionalism. Follow the standards and guidelines and use an interdisciplinary review on the ground and in writing NEPA. Break down functional roles and appear to others as an integrated organization.
>
> Fund forest plans and avoid business as usual. Drop functional funding and use the "Big Bucket." Nonfunctional funding is the best thing going for interdisciplinary resource management. We cannot implement an interdisciplinary plan with only selected resources being funded. We need to fund on some equitable basis and let NFMA work as it was intended. We must avoid legislative "fixes."
>
> We need more resource specialists to have the variety needed. Project analysis should be done by an interdisciplinary team, not by functional staff. Focus on good resource management, not models, politics, or targets.
>
> We need more research, more analysis with others involved, and more patience. We need an information needs assessment and GIS for integrated resource management, with more effort on gathering ecosystem data and even-handed funding. Get old-growth, soils, understory, and plan association data. Adopt ecological goals. Get rid of functional funding.

Finding

People want us to drop functionalism and the appearance of functionalism. They believe that we cannot implement an interdisciplinary developed and integrated plan with only selected resources being funded. We need to fund on a more equitable basis and let NFMA work as it was intended—that is, balanced multiple use.

Recommendation

The Forest Service should stop being functional in its direction to lower levels. The agency should extend the "Big Bucket" funding concept to the entire organization and work toward eliminating line item funding. It should immediately begin to work with congressional delegations and committee staffs in

developing alternatives to traditional line item funding approaches. Finally, the Forest Service should develop an ecological goals and targets approach with congressional support.

Appendix A
Study Plan

Steering Committee Direction Common to All Teams (May 22, 1989)

The steering committee met May 15 to review study plans for the seven technical teams and to take stock of how the Critique is developing. Three hours of discussion led to a consensus on approach and agreement on many specific points. The provisions common to all teams are outlined below. Provisions that apply to particular plans were forwarded to each team.

One major item of significance to all teams is the process for joint reviews with the public. The steering committee believes that the joint reviews and technical team efforts need to be closely coordinated. The joint reviews will be conducted with a strong focus on the seven topic areas. Also, questions for use in regional and national conferences will be solicited from each team.

Technical teams are making plans to use requests for participation as part of the team's public involvement to support analysis. Coordination will be provided by the Washington Office. Public participation will be incorporated in all of the study plans by developing a set of open-ended questions for the general public that will be used in the requests.

In addition, teams will provide an advisory role in setting up conferences that will be conducted as part of the joint public reviews and use the results of the conferences as part of the team's analysis.

Teams also were asked to review their approach to ensure that the following areas are addressed:

1. Forest supervisor needs in implementing plans.

2. Needed changes in relationships with the Office of Management and Budget, Congress, and Washington Office staffs.

3. Actions needed to meet the continuing challenges of conducting fully integrated, interdisciplinary resource planning and stopping single-discipline, functional resource planning.

Public Participation

Objective

Provide recommendations to the Chief for changes that will improve the effectiveness of public participation based on a constructive critique of forest plan development.

Questions

1. Provide a measure of compliance with the requirements of CFR 219.6, which are to: (1) broaden the information base upon which decisions are made; (2) understand the needs, concerns, and values of the public; (3) inform the public of Forest Service planning activities; and (4) provide public notice of programs and proposed actions.

2. Measure what constitutes successful and effective public participation during plan development and implementation and determine how that effectiveness was achieved, considering a historical perspective and the evolution of the use of public participation.

Methodology

A network of forest supervisors and regional planners are defining the methods for gathering information. The amount of public contact that occurred during forest planning will be quantified and displayed. Information on effectiveness will be gained from interviews and through consensus of the technical team. Responses will be synthesized by the technical team.

Internal

Internal information will be compiled from forest planning documents. Questions about effectiveness will be asked during interviews, conferences, and joint reviews. Interviews and opinions from Forest Service employees will provide suggestions on what is perceived to work best in achieving success.

External

Many who had an interest in the development and implementation of forest plans will be interviewed to identify views on ways to be more effective. Recommended changes will be evaluated in the team's report.

Evaluation

Criteria or measures of effectiveness have been identified as—

1. "Better" and acceptable decisions are made because more people are involved.

2. Challenges to the decision are avoided because of informed consent.

3. Challenges (appeals or litigation) are withdrawn by resolution.

4. Decisions can be defended to the degree that they are always upheld in regard to public involvement.

5. Trust and credibility are so high that there is general commitment to the decision, and no "fatal" challenges occur to stop implementation.

Appendix B
Technical Team and Others Involved

Technical Team

Orville Daniels
Forest Supervisor
Lolo National Forest, Region 1

J. Dale Gorman
Forest Supervisor
Lewis & Clark National Forest, Region 1

Thomas L. Rhode
Forest Supervisor
Clearwater National Forest, Region 1

Tom Hoots
Forest Supervisor
White River National Forest, Region 2

Robert L. Storch
Forest Supervisor
Nebraska National Forest, Region 2

John C. Bedell
Forest Supervisor
Carson National Forest, Region 3

Carolyn Bye
Public Affairs Office, Region 3

Coy Jemmett
Forest Supervisor
Prescott National Forest, Region 3

Neil Paulson
Forest Supervisor
Coconino National Forest, Region 3

John W. (Bill) Russell (Team Leader)
Director
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Chester P. Smith
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Cibola National Forest, Region 3

Antoinette (Toni) Stewart
Land Management Planning, Region 3

James Caplan
Forest Supervisor
Bridger-Teton National Forest, Region 4

Fred Kingwill
Bridger-Teton National Forest, Region 4

D. Olson
Region 4

Robert Harris
Lake Tahoe Basin Management Unit, Region 5

Dennis W. Martin
Forest Supervisor
Inyo National Forest, Region 5

Douglas G. Smith
Forest Supervisor
Modoc National Forest, Region 5

Orville D. Grossarth
Forest Supervisor
Fremont National Forest, Region 6

Michael A. Kerrick
Forest Supervisor
Willamette National Forest, Region 6

J.D. MacWilliams
Forest Supervisor
Mount Baker-Snoqualmie National Forests, Region 6

Ronald J. McCormick
Forest Supervisor
Siskiyou National Forest, Region 6

Ed Schultz
Forest Supervisor
Colville National Forest, Region 6

C. Cartwright
Forest Supervisor
Jefferson National Forest, Region 8

Mike Curran
Forest Supervisor
Ouachita National Forest, Region 8

Gilbert G. Churchill
Planning, Programming & Budgeting, Region 9

Michael B. Hathaway
Forest Supervisor
White Mountain National Forest, Region 9

R. Kenneth Holtje
Forest Supervisor
Hiawatha National Forest, Region 9

Jerry W. McCormick
Forest Supervisor
Huron-Manistee National Forests, Region 9

Mike Lunn
Forest Supervisor
Tongass National Forest—Ketchikan Area, Region 10

Gary Morrison
Forest Supervisor
Tongass National Forest—Chatham Area, Region 10

Planning Directors or Regional Staff

Jim Hagemeier
Region 1

Dave Anderson
Region 2

Don Campbell
Region 2

John Butt
Region 4

Tom Nygren
Region 6

Susan Smith
Region 8

Gloria Manning
Region 8

Don Meyer
Region 9

Appendix C
Public Participation Topic Questions for Discussions With Citizens or Forest Service Employees

Compliance With 36 CFR 219.6

1. How well did the public participation in the forest planning process you were involved in provide compliance with the requirements of 36 CFR 219.6?

2. How successful was the participation process in broadening the information base for the plan decisions?

3. What kind of influence did the needs, concerns, and values of the public have on the plan?

4. How well was the public informed about Forest Service planning activities? Amendments?

5. How well was public notice of programs and proposed actions provided? Are notices handled differently now?

Measures of Effectiveness

6. Do you believe better decisions were made as a result of public participation? Why? Give a specific example. Describe the public participation that made it better.

7. Do you feel that public participation was responsible for averting or avoiding challenges to the approval of the forest plan? Please explain what happened that resulted in avoiding the challenge.

8. If the decision to approve the forest plan was challenged and then withdrawn, please explain what happened to resolve the challenge.

9. Was the appealed or litigated decision upheld by the reviewing officer or by the court in respect to public involvement? What action caused it to be upheld?

10. Are people committed to the final plan decision, and is the plan being implemented without appeals or litigation? If it is not being implemented, please explain what you feel most needs to be done to allow total implementation.

Improvement of Effectiveness

11. Please share any recommendations you have to improve the effectiveness of public participation in decisionmaking and implementation of forest plans.

12. Do you have suggestions for actions you believe are needed to fully integrate interdisciplinary resource implementation?

Background

13. How long have you been involved with forest planning?

14. What is the predominant personal or organizational interest you represent?

Appendix D
Literature Reviewed

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